



LEGISLATURE OF THE STATE OF IDAHO



Sixty-seventh Legislature

First Regular Session - 2023

IN THE _____

BILL NO. _____

BY _____

AN ACT

RELATING TO THE OCCUPATIONAL LICENSING REFORM ACT; AMENDING SECTION 67-9409, IDAHO CODE, TO PROVIDE FOR ATTORNEY LICENSURE BY THE IDAHO SUPREME COURT, TO PROVIDE FOR CERTAIN FEES, AND TO PROHIBIT THE ESTABLISHMENT OF ADDITIONAL METHODS TO DEMONSTRATE COMPETENCY; AMENDING SECTION 67-9411, IDAHO CODE, TO PROVIDE FOR SUSPENSION, REVOCATION, OR DISCIPLINE OF A LICENSE AND TO PROVIDE FOR CONDITIONAL LICENSURE; AND AMENDING CHAPTER 94, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-9414, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING UNIVERSAL WORK RECOGNITION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 67-9409, Idaho Code, be, and the same is hereby amended to read as follows:

67-9409. UNIVERSAL LICENSURE. (1) A licensing authority shall establish a procedure for the issuance of licensure to a person who:

(a) Possesses current, valid, and unrestricted licensure in another state, district, or territory of the United States; and

(b) Demonstrates competency in the profession or occupation through methods determined by the licensing board or commission.

(2) Each applicant for universal licensure under this section must apply to the applicable licensing authority for relevant licensure. An applicant under this section shall be subject to the laws regulating the person's practice in Idaho and is subject to the applicable licensing authority's jurisdiction. For purposes of this section, the term "licensure" means a license, certificate, registration, permit, or other authorization to practice a profession or occupation.

(3) To determine whether an applicant for universal licensure who possesses the licensure requirements established in subsection (1) of this section is otherwise qualified for licensure under Idaho law, a licensing authority shall require an applicant to complete an application, submit supporting materials, and undergo the same background checks as required of other applicants for licensure.

(4) In addition to the requirements set forth in this section, if it administers an examination as part of the application requirements, a licensing authority may require an applicant to take and pass all or a portion of such examination as may be necessary to demonstrate competence to practice in Idaho. A licensing authority shall not establish a jurisprudence examination to demonstrate competence to practice in Idaho, except for applicants seeking to be admitted pursuant to chapter 1, title 3, Idaho Code, as an attorney and counselor under rules prescribed by the Idaho supreme court.

(5) An applicant for universal licensure shall pay all applicable fees the same licensing fees as required for applicants under the standard li-

1 censing process and shall be subject to all applicable requirements related
2 to maintaining licensure as established by the licensing authority.

3 (6) A licensing authority may, at its discretion, compare the au-
4 thorized scope of practice in the state, or states, where the applicant
5 currently holds licensure to the authorized scope of practice in Idaho. If
6 such licensing authority determines that the authorized scope of practice
7 in Idaho is broader than the scope of practice authorized in the state, or
8 states, where the applicant currently holds licensure, such licensing au-
9 thority may, instead of issuing a denial on the basis of the difference in
10 scope of practice, issue a limited license to such applicant pending com-
11 pletion of the additional education, training, and any other requirements
12 determined necessary by the licensing authority. A limited license issued
13 under this section shall restrict the applicant's practice in Idaho to the
14 scope of practice authorized in the state where the applicant holds prior
15 licensure until such time that the applicant satisfies the education, train-
16 ing, or other requirements deemed necessary by the licensing authority for a
17 limited period of time necessary for an applicant to meet the qualifications
18 for a full license.

19 (7) This section shall not restrict a person who is a member of a pro-
20 fession or occupation covered by an applicable interstate licensure compact
21 or applicable reciprocity agreement from seeking licensure pursuant to this
22 section. In such a situation, a person may apply for universal licensure un-
23 der this section or may apply for licensure pursuant to the terms of the ap-
24 plicable licensure compact or reciprocity agreement. A licensing authority
25 may promulgate applicable rules if necessary to implement the provisions of
26 this section.

27 (8) A licensing authority shall not establish additional methods of
28 demonstrating competency to qualify for universal licensure beyond the re-
29 quirements to qualify under the standard licensing process.

30 SECTION 2. That Section 67-9411, Idaho Code, be, and the same is hereby
31 amended to read as follows:

32 67-9411. EVALUATION OF CRIMINAL CONVICTIONS. (1) A licensing author-
33 ity shall not deny, suspend, revoke, or discipline a license, certificate,
34 registration, permit, or other authorization to practice a profession or oc-
35 cupation ~~to an applicant~~ on the basis of ~~such applicant~~ a person having a
36 prior conviction of a crime, unless such conviction is currently relevant
37 to the ~~applicant's~~ person's fitness to engage in such profession or occu-
38 pation as determined by the licensing authority. The licensing authority
39 shall make its determination based on consideration of the following fac-
40 tors:

41 (a) The nature and seriousness of the crime for which the individual was
42 convicted;

43 (b) The relationship of the crime to the ability, capacity, and fit-
44 ness required to perform the duties and discharge the responsibilities
45 of the occupation;

46 (c) The passage of time since the commission of the crime;

47 (d) Any evidence of rehabilitation or treatment undertaken by the indi-
48 vidual; and

49 (e) Any other relevant factor.

1 (2) A licensing authority shall not deny, suspend, revoke, or disci-
2 pline a license, certificate, registration, permit, or other authorization
3 to practice a profession or occupation to an applicant on the basis of vague
4 or generic terminology related to a criminal conviction, including but not
5 limited to "moral turpitude" or "moral character." Where such terms appear
6 in code or rule with respect to a criminal conviction, a licensing authority
7 shall conduct a relevancy evaluation pursuant to subsection (1) of this sec-
8 tion.

9 (3) In lieu of denying licensure to an applicant based on a prior crimi-
10 nal conviction, a licensing authority may, after considering the factors as
11 set forth in subsection (1) of this section, issue conditional licensure for
12 a period of one (1) year. Upon successful completion of the probational con-
13 ditions, the licensing authority shall issue a full, unrestricted license.
14 Any failure to successfully complete the probationary period may result in
15 disciplinary action, including but not limited to revocation of the condi-
16 tional licensure and denial of full, unrestricted licensure.

17 SECTION 3. That Chapter 94, Title 67, Idaho Code, be, and the same is
18 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
19 ignated as Section 67-9414, Idaho Code, and to read as follows:

20 67-9414. UNIVERSAL WORK RECOGNITION. (1) A licensing authority shall
21 establish a procedure for the issuance of licensure to a person who:

22 (a) Has at least four (4) years of work experience in a profession or oc-
23 cupation in another state, district, or territory of the United States,
24 or in the military, where a license to practice such profession or occu-
25 pation was not required; and

26 (b) Is required to obtain a license in Idaho to be able to practice the
27 same profession or occupation with a similar scope of practice.

28 (2) If a licensing authority requires an examination, it shall require
29 the same passing score for applicants under this section as for standard li-
30 censing applicants. If a relevant licensing authority does not require an
31 examination, no examination shall be required for applicants seeking to ob-
32 tain licensure through universal work recognition.

33 (3) A licensing authority shall require the same licensing fee for ap-
34 plicants under this section as for applicants under the standard licensing
35 process.

36 (4) Each applicant for universal work recognition under this section
37 must apply to the applicable licensing authority for relevant licensure. An
38 applicant under this section shall be subject to the laws regulating the per-
39 son's practice in Idaho and the applicable licensing authority's jurisdic-
40 tion.

41 (5) To determine whether an applicant for universal work recognition
42 who possesses the work experience requirements established in subsection
43 (1) of this section is otherwise qualified for licensure under Idaho law, a
44 licensing authority shall require an applicant to complete an application,
45 submit supporting materials, and undergo the same background checks as re-
46 quired of other applicants for licensure.